

# HOUSE BILL No. 1388

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-34-1-2.

**Synopsis:** Impaired driving with a child in vehicle. Creates a rebuttable presumption that the physical or mental health of a child is endangered if the child's parent, guardian, or custodian operates a motor vehicle in which the child is a passenger while the parent, guardian, or custodian is intoxicated.

**Effective:** July 1, 2005.

### Austin

January 13, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1388

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-34-1-2 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A child is a child  
3       in need of services if before the child becomes eighteen (18) years of  
4       age:

5               (1) the child's physical or mental health is seriously endangered  
6               due to injury by the act or omission of the child's parent, guardian,  
7               or custodian; and

8               (2) the child needs care, treatment, or rehabilitation that: ~~the~~  
9       ~~child:~~

10              (A) **the child** is not receiving; and

11              (B) is unlikely to be provided or accepted without the coercive  
12              intervention of the court.

13              (b) Evidence that the illegal manufacture of a drug or controlled  
14              substance is occurring on property where a child resides creates a  
15              rebuttable presumption that the child's physical or mental health is  
16              seriously endangered.

17              (c) **Evidence that:**



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1           (1) the child was a passenger in a motor vehicle operated by  
2           the child's parent, guardian, or custodian; and  
3           (2) the child's parent, guardian, or custodian operated the  
4           motor vehicle:  
5                (A) while intoxicated; or  
6                (B) with a controlled substance in the blood;  
7           in violation of IC 9-30-5-1 or IC 9-30-5-2;  
8           creates a rebuttable presumption that the child's physical or  
9           mental health is seriously endangered.

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